

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 10-13 allowed.
  
2. The following is an examiner's statement of reasons for allowance: After searching through patent and non-patent literature, there was no evidence that there exists a limitation in direct relation or an obvious variant to the limitations of:

**NOTE:** After searching through patent and non-patent literature, there was no evidence that there exists a limitation in direct relation or an obvious variant to the limitations of:

**Claims 10 and 12:**

"...a method whereby said distance is calculated by correcting said one of said voice and musical tone signal frequency component and elements of said code vector in said auditory masking area, in a direction where said distance between said voice and musical tone signal frequency component and elements of said code vector is reduced, to a boundary position in said auditory masking area"

**Claims 11 and 13:**

"...a method whereby, in said distance between said voice and musical tone signal frequency component and said elements of code vector, said distance is calculated by correcting a distance between two boundaries of said auditory masking area to a value multiplying said distance between said two boundaries by a coefficient equal to or less than one"

3. Further, all arguments directed to claims 10-13 were considered in light of the specification and is believed to overcome the current references used for rejection, particularly the closest: US 5563953 A, US 5649052 A, US 5864797 A, US 6308150 B1, US 5502789 A, US 6990443 B1.

When searching for additional prior art for the limitation as recited in claims 10-13 the most relevant topics pertained to material from the same Inventor and Assignee but did not teach or suggest the aforementioned limitation of claims 10-13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)-

270-1847. The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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